

104TH CONGRESS  
2D SESSION

# S. 1742

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt minor parties from liability under the Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 9, 1996

Mr. SPECTER (for himself and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt minor parties from liability under the Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Minor Party Liability  
5       Relief Act of 1996”.

1 **SEC. 2. ELIMINATION OF MINOR PARTY LIABILITY.**

2 Section 107 of the Comprehensive Environmental Re-  
3 sponse, Compensation, and Liability Act (42 U.S.C. 9607)  
4 is amended—

5 (1) in subsection (a), by striking “of this sec-  
6 tion” and inserting “and the limitation in subsection  
7 (n)”;

8 (2) by adding at the end the following:

9 “(n) MINOR PARTIES.—

10 “(1) NO LIABILITY.—Except as provided in  
11 paragraph (2), a person (other than the United  
12 States or a department, agency, or instrumentality  
13 of the United States) shall not be liable under this  
14 section for costs or damages at a facility (other than  
15 a facility that is owned by the United States and  
16 listed on the National Priorities List) if—

17 “(A) the liability of the person with respect  
18 to the facility is based solely on paragraph (3)  
19 or (4) of subsection (a); and

20 “(B) the person arranged for disposal or  
21 treatment of, or transport for disposal or treat-  
22 ment or accepted for transport for disposal or  
23 treatment of—

24 “(i) 110 gallons or less of liquid mate-  
25 rial containing a hazardous substance or  
26 pollutant or contaminant; or

1                   “(ii) 200 pounds or less of solid mate-  
2                   rials containing a hazardous substance or  
3                   pollutant or contaminant;  
4                   or such greater or lesser amount as the Admin-  
5                   istrator may determine by regulation.

6                   “(2) EXCEPTION.—Paragraph (1) does not  
7                   apply to a person with respect to a facility if—

8                   “(A) the material of which the person ar-  
9                   ranged for disposal, treatment, or transport has  
10                  contributed or may contribute significantly to  
11                  the costs of response at the facility; or

12                  “(B) the person failed to respond fully to  
13                  an information request or administrative sub-  
14                  poena by the United States.”.

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